

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMANDA R. GORE,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. C14-956-JCC-JPD

REPORT AND RECOMMENDATION

This matter comes before the Court upon the plaintiff's motion to remand this case for further administrative proceedings pursuant to sentence six of the Social Security Act, 42 U.S.C. § 405(g), due to an incomplete administrative record. Dkt. 19.¹ Plaintiff asserts that on March 27, 2013, the Appeals Council reopened and combined all applications, vacated the ALJ decisions of record, and ordered the ALJ to consider all records running forward from the initial alleged onset date, December 5, 2006. *Id.* at 1 (citing AR at 4-5, 241-42, 257-61). Plaintiff contends that the ALJ complied with this directive, and evaluated all of the evidence of record

¹ Sentence six of 42 U.S.C. § 405(g) provides that "the court may, on motion of the Commissioner made for good cause shown before he files his answer, remand the case to the Commissioner for further action by the Commissioner of Social Security. . . ."

1 from December 5, 2006 through her March 15, 2014 decision date. *Id.* (citing AR at 1-40).
2 However, “the medical records in the transcript do not contain any of the evidence prior to 2010.
3 Thus, roughly 3 years of medical records are missing, including some of the opinions of Dr.
4 Schimmel, which the Court and the Appeals Council ordered the ALJ to reconsider.” *Id.* (citing
5 AR at 240-43, 247-56, 257-61). Plaintiff asks the Court to remand this case under sentence six
6 of 42 U.S.C. § 405(g) to complete the record. *Id.* at 2.

7 The Commissioner initially requested a brief extension of time to respond to plaintiff’s
8 motion to remand. Dkt. 20. However, on November 12, 2014, the Commissioner stipulated to
9 plaintiff’s motion for a sentence six remand in this matter. Dkt. 21.

10 Accordingly, the Court recommends that plaintiff’s stipulated motion for a sentence six
11 remand, Dkt. 19, be GRANTED, and the Commissioner’s request for an extension of time, Dkt.
12 20, be STRICKEN as MOOT. This case should be REVERSED and REMANDED pursuant to
13 sentence six of 42 U.S.C. § 405(g) for further administrative proceedings to correct the record.

14 Because the parties have stipulated that the case be remanded as set forth above, the
15 Court recommends that United States District Judge John C. Coughenour immediately approve
16 this Report and Recommendation. The Clerk should note the matter for **November 13, 2014** as
17 ready for Judge Coughenour’s consideration. A proposed order accompanies this Report and
18 Recommendation.

19 DATED this 13th day of November, 2014.

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21 JAMES P. DONOHUE
22 United States Magistrate Judge
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